

Response

The claims were amended in accordance with the amendments above. The amendments are being made to clarify the invention and to focus the claims on those aspects of the invention which are a commercial priority to the assignee. The amendments are fully supported by the specification, claims, and figures as originally filed. No new matter is believed or intended to be involved.

In the Office Action dated 08/11/2005, claims 21 and 43 were rejected under 35 U.S.C. §112 as being indefinite for including the word "may." While Applicant believes that the meaning and scope of those claims would be quite clear to one of ordinary skill in the art despite the presence of the word "may," and therefore traverses the rejection, Applicant has nevertheless amended claims 21 and 43 to change the phrase "may be found" to "is available" in the interest of expediting allowance. Applicant believes that the meaning and scope of amended claims 21 and 43 are clear and definite, and therefore requests that the rejection be withdrawn.

Claims 21-26, 28-35, and 43 were rejected under 35 U.S.C. §103(a) as being unpatentable over Manross, Jr. (US 6,414,663) in view of Legacy.com and Peercy et al. (US 5,960,429). Claims 21, 22, 28-37, and 40-43 were rejected under 35 U.S.C. §103(a) as being unpatentable over Manross, Jr. in view of Legacy.com. Claims 23-36 were rejected under 35 U.S.C. §103(a) as being unpatentable over Manross, Jr. in view of Legacy.com and Peercy et al. Claims 38 and 39 were rejected under 35 U.S.C. §103(a) as being unpatentable over Manross, Jr. in view of Legacy.com and Bergh et al (US 6,112,186).

Under MPEP 2143.03, in order to establish a *prima facie* case of obviousness, the prior art reference or combination of references must teach or suggest all of the limitations of a claim. A *prima facie* case of obviousness also requires that there be some teaching, suggestion, or motivation to modify the references either explicitly or implicitly in the references themselves or in the knowledge generally available to one of

ordinary skill in the art. MPEP 2143.01. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.

In view of the foregoing requirements for obviousness, Applicant submits that the combined art of record fails to render the present claims obvious. In particular, Applicant notes that the combination of references fails to teach or suggest all of the limitations of each present claim in accordance with MPEP 2143.03. In addition, Applicant submits that even if the combined art of record taught or suggested all of the limitations of each present claim, there is no teaching, suggestion, or motivation to modify or combine the references to obtain the invention presently claimed.

With respect to present claim 21, Applicant notes that the claim recites an identifier on or near the concrete memorial for the deceased person that indicates to people visiting the concrete memorial that information related to the deceased person is available on the on-line registry service. Applicant submits that the combined art of record fails to teach or suggest such an identifier. Thus, a *prima facie* case of obviousness has not been, and cannot be, established against present claim 21 in accordance with MPEP 2143.03. Applicant therefore respectfully requests that the rejection be withdrawn.

With respect to present claim 36, Applicant notes that the claim recites a step of visually indicating, on or near the physical memorial for the deceased person, that the on-line registry service is associated with the deceased person. Applicant submits that the combined art of record fails to teach or suggest such an act of visually indicating on or near the physical memorial that an on-line registry service is associated with the deceased person. Thus, a *prima facie* case of obviousness has not been, and cannot be, established against present claim 36 in accordance with MPEP 2143.03. Applicant therefore respectfully requests that the rejection be withdrawn.

With respect to present claim 43, Applicant notes that the claim recites a seal on or near the concrete memorial for the deceased person that indicates to people visiting the concrete memorial in the cemetery that information related to the deceased person is available on the on-line registry service. Applicant submits that the combined art of record fails to teach or suggest such a seal. Thus, a *prima facie* case of obviousness has not been, and cannot be, established against present claim 43 in accordance with MPEP 2143.03. Applicant therefore respectfully requests that the rejection be withdrawn.

While Applicant has noted some of the significant differences between the pending claims and the cited references, it should be noted that other claimed features are not taught or suggested in the combined art of record. Furthermore, the dependent claims add other limitations that further distinguish over the cited references. Applicant reserves all rights and arguments with respect to those claimed features not expressly discussed above.

Furthermore, even if all of the references in combination taught or suggested all of the limitations recited in the amended claims, the Office has failed to establish the motivation to modify or combine the teachings of the references as required by MPEP 2143. Instead, the Office has engaged in impermissible hindsight reconstruction. Accordingly, even if the references in combination taught or suggested all of the limitations recited in each of the amended claims (which they do not), a *prima facie* case of obviousness has not been and cannot be established because the Office has failed to establish a suggestion or motivation to modify or combine the teachings of the references. In light of the foregoing, and in view of MPEP 2143.01, all of the presently amended claims are patentable over the art of record, and Applicant respectfully requests that the rejections be withdrawn.

The last several Office Actions appear to repeat essentially the same rejections under 35 U.S.C. § 103. Applicant has had several interviews with the Examiner and submitted several written responses distinguishing the present claims over the art of

record. If the Office continues to sustain these rejections, it will appear that we have reached an impasse best resolved by the Board of Patent Appeals and Interferences.

Applicant further notes that an Information Disclosure Statement (IDS) was filed on 05/10/2005, but the pending Office Action did not indicate that those references were considered. Attached for the Examiner's convenience is a copy of the prior IDS. Kindly initial each Form 1449 to indicate that the Office has considered those references.

Based on the foregoing, all pending claims are in a condition for allowance. Accordingly, Applicant submits that all pending claims overcome the rejections presented in the Office Action, and respectfully requests reconsideration and an early notice of allowance.

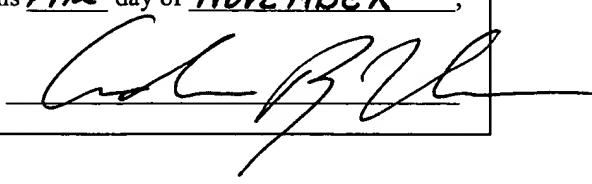
Respectfully Submitted,



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